



State of New Hampshire
WATER WELL BOARD



Kelly M. Dobrowolski, *Pump Installer, Chair*
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*
Scott Costa, C.W.D. - P.I., *Water Well Contractor*
Andrew Koff, P.G., *Staff*

Bart Cushing, *Technical Driller*
Rene Pelletier, P.G., *Dept. of Environmental Services*
Frederick H. Chormann, Jr., P.G., *State Geologist*
Steve Lamb, P.G., *Public Member*

NH WATER WELL BOARD MINUTES

February 8, 2018

A meeting of the New Hampshire Water Well Board ("Board") was held on February 8, 2018, in the Department of Environmental Services (DES) Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair

Board Members: Scott Costa, Bart Cushing, Peter Caswell, Rene Pelletier, Rick Chormann, and Steve Lamb

NHDES Staff: Andrew Koff

Administrative Hearing – Ferguson Well Drilling, License No. 1344:

Ms. Dobrowolski opened the hearing at 9:30 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Mr. Koff was sworn in and provided testimony and presented documents to the Board including information on probationary requirements, well completion reports, email and phone correspondence, well construction requirements, and probationary reports. Following questions from the Board, Mr. Koff's testimony concluded.

Mr. Douglas Ferguson was not present for the hearing and thereby waived his right to testify on his own behalf.

The hearing ended at 10:12 A.M.

Deliberations were held from 10:20 A.M. to 10:40 A.M. Following the discussion, up motion by Mr. Cushing and seconded by Mr. Costa, the Board voted unanimously to revoke Ferguson Well Drilling's license.

Approval of Minutes

Ms. Dobrowolski brought the meeting to order at 10:42 A.M. The Board members introduced themselves and welcomed the public in attendance.

The Board reviewed the Minutes for the December 7, 2017 Board meeting. Mr. Cushing requested that the Minutes note that the discussion of licensees who are on probation also included a discussion of their compliance to date. Mr. Pelletier motioned to approve the December 7, 2017 Water Well Board Minutes as amended. Mr. Cushing seconded the motion and the Board unanimously voted to accept the amended minutes.

New License Applications

The Board continued to consider an application for a water well contractor license and a pump installer license from the previous meeting. The Board reviewed the supplemental information provided by the applicant. The Board determined that the information provided did not adequately clarify work experience of the applicant, and therefore the Board was not able to make a determination on whether the applicant meets the work experience requirement. The Board agreed to ask for additional, specific information and also to invite the applicant to the next Water Well Board meeting.

Mr. Koff reviewed the status of new and pending licensees, and then confirmed that there were no other complete license applications to be discussed during this meeting.

Licensing Database – MLO Conversion Update

Mr. Koff summarized the presentation given at the December 7, 2017 meeting by Ms. Vicki Tinsley, from the New Hampshire Department of Information Technology (DoIT), who presented to the group the license system called My License Office (MLO). Mr. Koff reported that he met with DoIT personnel regarding the MLO program and discussed the database conversion procedures and program structure. Mr. Koff reported that the database conversion has begun, but that there are some challenges to conversion that need to be worked through in the coming months. Mr. Koff reported optimism that the conversion would be completed in the coming months prior to the next license renewal cycle.

Well Completion Reports

Mr. Koff presented probation reports for Faxon Well and Tri-State Drilling. Mr. Koff reported that Faxon Well has been in compliance with the terms of their probation to date, and discussed the time remaining on their probation. Mr. Koff reported that Tri-State Drilling is currently out of compliance with the terms of their probation as a result of failing to submit well completion reports for Q4 of 2017 (Oct. – Dec. 2017). Mr. Koff outlined his correspondence with Tri-State Drilling regarding the violation of the terms of their probation. Mr. Pelletier suggested inviting Tri-State Drilling to the next Board meeting to explain their non-compliance. The Board then considered options for resolving the probation violations by Tri-State Drilling. Mr. Cushing motioned for a show-cause hearing for Tri-State Drilling as a result of violation of probation. Mr. Caswell seconded the motion, and the Board unanimously voted in favor of the show-cause hearing for Tri-State Drilling. The Board discussed the compliance status of Green Mountain Well Drilling. Mr. Koff stated that Green Mountain Well Drilling is not on probation through the Water Well Board and outlined their compliance history over the past year.

Well Abandonment Form Database

Mr. Koff presented the current iteration of the well abandonment form for the Board to review. Mr. Koff reviewed the current requirements to abandon a well in New Hampshire and discussed how the forms are used in the well abandonment process. Mr. Koff then summarized the current protocol utilized for tracking well abandonment, which is separate from tracking well completions. Mr. Cushing expressed concern over the lack of unified recordkeeping as well abandonment data can be important for site investigations. Mr. Koff mentioned that the Board could explore adding these records to the well construction database. Mr. Chormann recognized this as an opportunity to reconcile the well construction and well abandonment reporting process. Mr. Pelletier suggested periodically providing

technical bulletins to licensees to educate them as to the importance of various program requirements, e.g. well abandonment reports.

DES Enforcement Report

Ms. Emily Jones presented a report to the Board regarding enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 - 1000. The report included a general overview of the violations, DES actions, and current status of specific cases handled mostly over the last year.

HB298

Mr. Koff reported that House Bill (HB) 298, which proposed to modify the apprentice plumber requirements, has passed the house. Mr. Koff offered to continue keeping track of the bill for the Board. Ms. Dobrowolski stated that this bill no longer needs to be tracked, and the Board concurred.

Draft revision to Chapter 482-B New Hampshire Water Well Board for individual licensing program

Mr. Koff presented for discussion a draft revision to statute 482-B, which proposes an individual licensing program for water well contractor and pump installer licenses, in contrast to the business licensing program that is currently used. Ms. Dobrowolski initiated a discussion on the proposed qualifications for dug well licensing, which would require one year of experience with excavation equipment. The Board then discussed options for altering the proposed language so as to not unintentionally discriminate against individuals without the proper excavation experience. Several members of the Board posited that, with respect to being licensed to install a dug well, the excavation requirement is less important than knowledge of the water well installation industry. Ms. Dobrowolski then presented a change to the proposed language that would require one year of experience with shallow well installation. The Board agreed with this change for the purposes of the draft revision. The Board then discussed the current protocol for septic system installation inspection as it relates to well location. Several members of the Board expressed a desire to have septic system installation inspectors inquire about the license status of water wells installed in the vicinity of septic systems. Mr. Pelletier reported that such a requirement would have to be brought about by a rule change, as NHDES septic system installation inspectors do not currently have the authority to seek that information. Ms. Dobrowolski solicited the Board for additional comments on the proposed individual licensing program. Mr. Cushing raised concerns regarding the burden individual licensing places on potential employees, as well as the lack of clearly defined rules as it relates to financial responsibility for individual license holders. The Board then discussed these points further. The Board agreed to table the discussion at 1:02 p.m. and continue towards a resolution at a later date.

New Business

Water Well Program Staff

Mr. Koff updated the Board on the status of hiring for Rick Schofield's former position. Mr. Koff stated that interviews of candidates will likely be conducted in the next two weeks. Mr. Cushing inquired as to whether the Board would have any involvement in the hiring process. Mr. Koff was unsure of this based on his current understanding, but stated he would inquire with the individual leading the hiring process.

Administrative Law Training

Mr. Koff made the Board aware that the State Attorney General's Office is offering an Administrative Law Training on March 23, 2018 at the New Hampshire Fire Academy in Concord, NH. Mr. Koff mentioned that Board members are welcome to attend the training, and that he would send out additional information as it becomes available.

Update on Warren, NH

Mr. Koff provided the Board with an update on the status of the situation in Warren, NH in which several private wells have run dry, allegedly as a result of the dredging of the Baker River. Mr. Koff stated that some replacement wells would be installed at a discounted price by Capitol Well, and that funding for the replacement well installation was obtained from a variety of means, including crowd funding, state emergency funding, and interest free loans from the municipality. Mr. Koff reported optimism that the situation is improving. Mr. Koff also mentioned that once the issue stabilizes, he will be investigating the report of a well installed in Warren, NH by an unlicensed contractor.

Maine Water Conference

Mr. Koff made the Board aware of an upcoming conference in Maine that will have a session on shallow well systems. Mr. Koff mentioned that he will be presenting at the conference on New Hampshire's shallow well program.

Well Completion Reports – Locational Information

Mr. Caswell expressed concern regarding the lack of rigid requirements for locational information on well completion reports. The Board then discussed options for requiring more locational information when submitting well completion reports. Mr. Koff expressed that he would look at the process in more detail in an attempt to remedy the problem, and in the interim will look for more locational information, when appropriate, when reviewing well completion reports.

Well Drillers Database – Probation Report

Ms. Dobrowolski expressed concern regarding the fact that the Well Drillers Database does not currently identify the status of an active well driller's license (i.e. probation, suspension). Ms. Dobrowolski proposed a system in which the Well Drillers Database would identify if a driller is on probation, suspension, etc., and would also identify the reason for the action taken (e.g. late well completion reports, construction deficiencies). Ms. Dobrowolski solicited the Board for their opinion on this matter, and a discussion ensued. Several members of the Board agreed that this would be a good idea and will be pursued further.

Mr. Pelletier motioned to adjourn the meeting. Mr. Cushing seconded the motion, and the Board unanimously voted to adjourn at 1:20 P.M.


Rene Pelletier

Water Well Board Secretary